

# SR 801 (Proposed Loop 303 to Proposed Loop 202)

## Questions from May 17, 2007 Open House

### Communication

**Question (Q):** Are developers being forwarded information about SR 801? Will new homeowners in this area be given information as well?

**Answer (A):** When developers have notified the study team of their plans or other development planning information has become available, the study team has worked with developers in the study area to make them aware of the proposed SR 801. At this time, the Arizona Department of Transportation is unable to restrict the areas in which developers are building. If a decision is made to construct this freeway, and the right-of-way is purchased by ADOT, then ADOT will not allow development in the right-of-way areas that have been purchased for this freeway.

The cities have been asked by ADOT to follow the Red Letter process: if a developer or property owner contacts the City's or County's Planning and Zoning department with a plan to build on or re-zone their property, they are asked to contact ADOT to get further information.

### Development

**Q:** How will this potential freeway affect the new King Ranch development being built on land south of Maricopa County Route 85 between Estrella Parkway and Cotton Lane?

**A:** King Ranch is located on the south side of the Gila River around Cotton Lane. State Route 801 is proposed to be located about 2,000 feet north of the Gila River so there would be no direct impacts. The King Ranch developers are aware of the proposed SR 801.

### Disclosure of Freeway Information

**Q:** If we sell our home, would we have to notify any potential buyers of this proposed freeway? If we are responsible for this notification, would what is disclosed change before and after an official decision on a freeway alignment?

**A:** While a homeowner may not be legally required to advise a potential buyer of a freeway proposal, it is suggested that you notify the buyer of the situation

and refer them to contact the ADOT Right-of-Way Group at 602.712.7316 for more information. However, a real estate licensee must disclose this information to a potential buyer if he or she has knowledge. If the freeway's route has been formally determined, the seller must disclose this to the buyer before the transaction takes place. In any case, sellers should seek legal advice regarding this issue.

**Q:** If a person wants to sell property located in the north or south alternative areas, at what point must information concerning the proposed SR 801 be disclosed?

**A:** While a homeowner may not be legally required to advise a potential buyer of a freeway proposal, it is suggested that you notify the buyer of the situation and refer them to contact the ADOT Right-of-Way Group at 602.712.7316 for more information. However, a real estate licensee must disclose this information to a potential buyer if he or she has knowledge. If the freeway's route has been formally determined, the seller must disclose this to the buyer before the transaction takes place. In any case, sellers should seek legal advice regarding this issue.

## **Funding**

**Q:** Has ADOT received funds from the Statewide Transportation Acceleration Needs (STAN) account to advance the timeframe for SR 801 construction?

**A:** At this time, no STAN money has been allocated by the Arizona Legislature for this potential project.

**Q:** Taxpayers are funding this study and potential construction. What is the cost difference between the north and south alternatives?

**A:** The exact cost difference is not yet known. However, preliminary estimates indicate that the southern alternative will cost about eight to ten percent more than the northern alternative. This amount could change, depending on the study team's continued analysis of the proposed project.

## **Local Government**

**Q:** What is the best way for the public to inform elected local governmental officials of their alternative preferences?

**A:** The best way to inform local elected officials representing your area is to use the following contact information:

### **City of Avondale**

City Council  
11465 West Civic Center Drive  
Avondale, AZ 85323  
Phone number: 623-478-3016  
Web site address: [www.ci.avondale.az.us](http://www.ci.avondale.az.us)

### **City of Goodyear**

City Council  
PO Box 5100  
Goodyear, AZ 85338  
Phone number: 623-932-3910  
Web site address: [www.ci.goodyear.az.us](http://www.ci.goodyear.az.us)

### **City of Phoenix**

City Council  
200 West Washington Street, 11<sup>th</sup> Floor  
Phoenix, AZ 85003  
Phone number: 602-262-7029  
Web site address: [www.phoenix.gov](http://www.phoenix.gov)

### **Maricopa County**

Board of Supervisors  
301 West Jefferson Street, 10<sup>th</sup> Floor  
Phoenix, AZ 85003  
Phone number: 602-506-3415  
Web site address: [www.maricopa.gov](http://www.maricopa.gov)

**Q:** Where are our representatives from the Maricopa Association of Governments Regional Council? If they spoke on behalf of the community at the Regional Council meetings, they should be here tonight to address our questions and concerns.

**A:** ADOT, working in collaboration with the Federal Highway Administration, will make the decision whether this proposed freeway will be built and, if so, what route it will follow. Input from members of the community, local leaders, government officials, business owners, environmental advocates and others are all considered part of the decision making process. A wide range of factors

are considered in the decisions ADOT faces for this, and any other, proposed new freeway.

**Q:** Why should the cities of Avondale and Phoenix have a say about which alternative is selected? It seems that these cities already have plans to let developers build in the area of the north alternative. The city representatives seem to be more concerned about new city development rather than the existing communities located in the southern alternative.

**A:** As part of the study process, a proposed freeway must consider how it fits with the local governments' general plans and planned land use. The study process also attempts to find solutions that local governments support, though this may not always be possible.

**Q:** Does ADOT communicate their projects with Maricopa County representatives? If so, what restrictions are there on building permit requests for the proposed SR 801?

**A:** Yes, ADOT coordinates with Maricopa County. Maricopa County, along with all the cities in the study area, participate in what is called the Red Letter process: if a developer or property owner contacts the city's or county's planning and zoning department with a plan to build on or re-zone their property, they are asked to contact ADOT to get further information. When a planned development is proposed within the county (or city) and this development is within a quarter mile of a planned or existing ADOT freeway, ADOT is normally asked to comment on the proposal. If the proposal conflicts with ADOT's planned work, then ADOT may elect to act on this information. However, ADOT cannot restrict or hinder any developments unless ADOT is willing to compensate landowners accordingly.

## Other Options

**Q:** Instead of building another freeway, why not consider other solutions, such as widening Interstate 10, light rail or other mass transit options?

**A:** The Regional Transportation Plan is a multi-modal transportation plan. Highways, local streets, buses and light rail are integrated into this plan. Even with the planned transit enhancements, the upcoming widening of I-10 and the local street network enhancements (which are part of the Regional Transportation Plan), SR 801 is needed to handle the anticipated growth in the West Valley.

**Q:** Instead of constructing a new freeway, why doesn't ADOT just widen Maricopa County Route 85 or acquire it for the freeway? This roadway follows the same path.

**A:** Maricopa County Route 85 was not selected because within this project's vicinity, MC 85 actually exists on Buckeye Road. This is only about 2 miles south of I-10. One of the main goals of SR 801 is to provide a second freeway

designed to ease traffic congestion on I-10. To do this in an efficient manner, I-10 and the SR 801 need to be separated by at least 3 miles. This is why the north study boundary is located at Lower Buckeye Road. Anything north of Lower Buckeye Road would not meet the needs of the traveling public.

## **Proposed Freeway Alignment**

**Q:** Wouldn't the southern alternative significantly impact wildlife in the Gila River?

**A:** At this stage in developing the environmental assessment, it has not been determined to what extent the southern alternative might impact wildlife in the Gila River. The study team is assessing each alternative to help determine if impacts would occur. Part of the analysis will include public input received during the May 17, 2007 open house, which will be addressed in the assessment.

**Q:** What happens to the bird sanctuary if the southern alignment is selected?

**A:** At this stage in developing the environmental assessment, it has not been determined if the southern alternative would or would not impact birds that inhabit the area south of the proposed southern alternative. The study team is assessing each alternative to help determine if impacts would occur. Part of the analysis will include public input received during the May 17, 2007 open house, which will be addressed in the assessment.

**Q:** Is the proposed State Route 801 final or is there a chance that it will not be built?

**A:** The no-build alternative is one option that is being considered. The Draft Environmental Assessment will evaluate both the no-build and build alternatives.

**Q:** The southern alternative will cost more money. Why wouldn't you build the less expensive alternative? Currently there are fewer houses located within the north alternative. I think this is because developers are getting a tax advantage from the City of Avondale. If this is the case, is this reason enough to select the more expensive southern alternative?

**A:** This study evaluates 33 different factors for the selection of a preferred solution. Construction and right-of-way costs are only two of these factors. Impacts to both existing and planned homes represent two additional factors. While these four factors are clearly important, they need to be considered in the context of the other 29 criteria. It is not uncommon to select an option that is more expensive than another, but there would need to be a compelling reason to do so.

**Q:** Why consider the southern alternative if it is more expensive?

**A:** This study evaluates 33 different factors for the selection of a preferred solution. Construction and right-of-way costs are only two of these factors. Impacts to both existing and planned homes represent two additional factors. While these four factors are clearly important, they need to be considered in the context of the other 29 criteria. It is not uncommon to select an option that is more expensive than another, but there would need to be a compelling reason to do so.

**Q:** Why can't the north alternative alignment be moved south from 91<sup>st</sup> Avenue under the 500 kilovolt power line to Litchfield Road and then be aligned back up to 91<sup>st</sup> Avenue to Litchfield Road where currently there are alfalfa fields, desert and a condemned trailer park.

**A:** In the area you are referring, there is a historic farmstead that must be avoided in accordance with environmental laws by this proposed freeway. This option would impact that site.

**Q:** Can we take an informal vote here tonight to see which plan the public prefers?

**A:** The intent of this meeting is to find out what people feel about the no build and the north and south alternatives. The study team wants to also know the reasoning behind the choice that each person is backing. Because of this, we are asking that people give us their feedback.

## **Right-of-Way Acquisition**

**Q:** If a property owner's land is planned to be acquired by ADOT for this proposed freeway, how will they be notified?

**A:** When ADOT receives approval from the Arizona Transportation Board to purchase certain parcels for a certain segment of freeway, each individual land owner (record owner) will receive a letter announcing ADOT's intentions for appraisal and acquisition.

**Q:** Can a property owner refuse to sell their land to ADOT?

**A:** According to the laws that govern eminent domain, ADOT has the power of condemnation if a person refuses to sell. After the need and necessity for the public good has been established, the laws will govern.

**Q:** When and where will ADOT select the parcels that will need to be acquired for this potential freeway?

**A:** Should a build alternative be selected, ADOT will have identified all the specific parcels needed for the freeway construction by mid 2009.

**Q:** What is the difference between the right-of-way acquisitions in 2008-2015 and the parcels that would be acquired in 2021-2022? How will this affect my property value? If my property would be acquired in later years, would the property value be determined according to a previous or current year value?

**A:** Should a build alternative be selected, during the 2008-2015 timeframe ADOT will have right-of-way plans that show how much of each parcel will be required, total or partial. The first acquisitions would be the parcels with pending development plans and building permits. ADOT would then address the second priority parcels that do not have pending development plans, but are total acquisitions. The last parcels to be acquired would be those that are partial acquisitions.

The land will be valued as of the date of the appraisal or date of value. ADOT will hire an independent appraiser to determine a property's value. The appraiser will determine the value based on the day that he or she completes the appraisal. This is not to say that the appraised value versus the purchased value can never change, but the change must be justified. If the property owner disagrees with the independent appraiser's property value determination, the property owner may hire his or her own appraiser to assess the value. The appraisal must be done by an appraiser that is familiar with eminent domain procedures and appraisals.

**Q:** When you begin to acquire land for the proposed SR 801, would you begin the process on the western or eastern side?

**A:** Should a build alternative be selected, ADOT will evaluate individual properties along the entire corridor, rather than starting on either the western or eastern side.

**Q:** Isn't it true that the north alternative will raze more homes than the southern alternative by the time ADOT would need to acquire the right-of-way?

**A:** At this time, the north alternative would impact more planned homes and fewer existing homes. The south alternative would impact more existing homes and fewer planned homes.

**Q:** If it has been determined that ADOT will need to acquire a certain parcel, can the property owner select whether it is sold in the 2008-2015 or the 2021-2022 timeframes?

**A:** ADOT will set priorities based on the planning, the location of the parcels, and whether funding is available. As soon as there are viable right-of-way plans and funding is available to purchase properties, ADOT will begin scheduling appraisals and closing escrows. ADOT will then manage these properties until construction begins.

**Q:** What determines which parcels would be acquired first?

**A:** Once there are viable right-of-way plans and funding is available to purchase properties, total parcel acquisitions would be the first priority. Businesses and residential parcels that are occupied and in need of relocation would most likely be the next priority, if they are total acquisitions. The last properties to be acquired would be those that are partial acquisitions.

Depending on the timing of the right-of-way plans and availability of funding, it is possible that all parcels could be purchased by 2015.

For the entire corridor, construction sequencing, as defined in the Design Concept Report's implementation plan, will determine which parcels will be needed first.

**Q:** If a person's property is not located in the areas of the north and south alternatives, does this mean that ADOT will not be acquiring their property?

**A:** Generally, this is correct. However, right-of-way agreements for noise mitigation may be necessary along property lines to enable ADOT to build noise walls where ADOT may not need to purchase any land for roadway construction.

## **Schedule**

**Q:** When will the actual SR 801 alignment be selected? When will notices be sent out notifying property owners that ADOT will be purchasing their property?

**A:** A recommended alternative will be selected by mid summer (around July/August 2007). ADOT will publicize this information.

As soon as ADOT has a date of public knowledge (acceptance by the Federal Highway Administration) and right-of-way plans, each parcel or group of parcels will be designated for a resolution indicating the intent for acquisition, which will be reviewed by the State Transportation Board. When the Board has approved this resolution for acquisition, ADOT will notify each property owner of their intent to appraise and acquire their property. The Board resolution is public information and ADOT will mail letters to each affected land owner indicating the intention to appraise and acquire their property.



## Miscellaneous

**Q:** It seems that the study team is not considering the public's quality of life and open space needs. Why is this not being considered?

**A:** The study team is considering social conditions as part of the environmental assessment. Part of the analysis will include public input received which will be addressed in the assessment.

**Q:** What happens to SR 801 if Loop 202 (South Mountain Freeway) does not get built?

**A:** If the proposed South Mountain Freeway is not built, the proposed SR 801 plan is not automatically eliminated. However, SR 801 will have to be restudied to decide if, how and where it would connect on the eastern end. A logical terminus is required to build this freeway. In other words, SR 801 cannot just end and cause freeway traffic to be routed into surface streets. It would need to connect to a similar type roadway.

**Q:** Why build a freeway where the connection is with another freeway that by ADOT's own model in many situations will not be effective at moving traffic during peak hours?

**A:** ADOT has been working with the Federal Highway Administration and the Maricopa Association of Governments to improve traffic flow in all areas of the Valley. MAG membership currently consists of the 25 incorporated cities and towns within Maricopa County and the contiguous urbanized area, three Native American communities and Maricopa County. MAG is represented in the West Valley by the mayors of the cities of Avondale, El Mirage, Glendale, Goodyear, Litchfield Park, Peoria, Surprise, Tolleson, Phoenix, and the towns of Buckeye and Gila Bend. MAG has been working with the local communities, state and regional agencies, business leaders, and the public to develop the Regional Transportation Plan, which will guide the transportation investments in the Valley for the next 20 years. The key components of the plan include:

- New freeways with better access and more capacity
- More transportation choices
- Improved streets and intersections
- Expanded commuter options for rush-hour travel
- Extensions to the planned light rail system
- More bus service

The funding for the RTP was identified in Proposition 400 and approved by voters in November 2004.

**Q:** Doesn't ADOT think that building more freeways will continue the pattern of residential growth causing homeowners to have a longer commute to their jobs?

**A:** The Arizona Department of Transportation does not have control over the use of land. While new freeways are planned, the lack of existing transportation corridors has not appeared to slow growth in the West Valley. When making land-use decisions, ADOT would hope that municipal planning bodies take into consideration such quality of life issues like distance to employment centers, commuting time, mass transit opportunities and environmental impacts. The reality is that the Valley is one of the fastest growing metropolitan regions in the nation; the population of Maricopa County will double in 20 years, but the existing infrastructure for transportation is not able to appropriately handle the needs of the 3.5 million residents in the Valley today.

**Q:** Is funding available for widening Interstate 10? When will construction begin?

**A:** The Interstate 10 widening project is one of several projects proposed to improve regional traffic flow in the West Valley following voter approval of the Regional Transportation Plan in 2004. Construction for the first phase of this project (Sarival Avenue to Loop 101) is estimated to begin in fall 2007 and would include:

- Adding one general purpose lane in each direction and one high-occupancy vehicle lane in each direction in the median of I-10
- Adding one general purpose lane and one auxiliary lane in each direction adjacent to the existing I-10 outside general purpose lanes

The funding for the construction of the first phase of the I-10 widening project was accelerated in April 2006, with the approval from the MAG Regional Council, which consists of all Valley mayors.

Another segment of I-10 will now be widened as part of the first phase, which is sooner than initially planned, due to the acceleration of funds in December 2006 by the Arizona Legislature. This construction (Verrado Way to Sarival Avenue) is estimated to begin in late 2008 and would include:

- Adding one general purpose lane in each direction in the median

Construction for the second phase of the I-10 Widening project (State Route 85 to Verrado Way) is estimated to begin in 2023 and would include:

- Adding one general purpose lane in each direction in the median of I-10

The area on I-10 located between Sarival Avenue and Citrus Road is currently under study as part of the proposed I-10/Loop 303 interchange.

**Q:** How will ADOT address increased truck traffic on I-10 when Mexican trucks are using this route?

**A:** At this time, commercial trucks from Mexico are not allowed this far north on the U.S. highway system. This may change in the future. The Maricopa Association of Governments and the State Transportation Board has addressed the truck traffic issue on I-10 through Phoenix by adopting the CANAMEX Corridor around Phoenix, routing across I-8 to SR 85.